

Decision 05-01-016 January 13, 2005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Cornell Mitchell,

Complainant,

vs.

Southern California Edison Company,

Defendant.

(ECP)

Case 04-08-034

(Filed August 24, 2004)

Cornell Mitchell, for himself, complainant.

Patricia A. Aldridge, for Southern

California Edison Company, defendant.

ORDER GRANTING RELIEF

Cornell Mitchell, complainant, seeks recovery of payments made for services he did not receive. Southern California Edison Company (SCE), defendant, denies the allegations. Public hearing was held on December 3, 2004.

On June 3, 2002, SCE transferred a \$152.21 closing bill in the name of Cornell Mitchell for service at 2697 E. 55th Way, Long Beach to Mr. Mitchell's then current address of 15005 S. Normandie Ave., Gardena. The closing bill for the Long Beach address was for the December 17, 2001 bill of \$55.76, the January 17, 2002 bill of \$51.22, and the February 12, 2002 bill of \$45.23 (total \$152.21). Mr. Mitchell paid the \$152.21 under threat of disconnect and seeks recovery on the grounds that he did not incur the bills nor did he receive service. He testified

that he requested SCE to turn off service at 2697 E. 55th Way on November 6, 2001, the day he moved out, and never asked SCE to keep that service in his name and bill him at the Normandie Ave. address.

SCE testified that Mr. Mitchell, on or about November 6, 2001, contacted SCE and asked to have the electric service at 2697 E. 55th Way taken out of his name; that on or about December 6, 2001, Mr. Mitchell had new service turned on at 15005 S. Normandie Ave.; that when Mr. Mitchell had the service turned on at 15005 S. Normandie Ave., SCE informed Mr. Mitchell the electricity was still in Mr. Mitchell's name at the 2697 E. 55th Way address. SCE admitted that on December 6, 2001, Mr. Mitchell asked to have the service at the Long Beach address taken out of his name. However, SCE testified that on December 4, 2001 Mr. Mitchell had called SCE and requested that the service at both the Long Beach address on 55th Way and the address on Normandie remain in Mr. Mitchell's name and that both bills go to the Normandie address. Because of the December 4th request, the service at the Long Beach address was not taken out of Mr. Mitchell's name until the tenant at the Long Beach address put the service in her name on February 12, 2002.

It is undisputed that Mr. Mitchell on November 6, 2001 told SCE to take the service at 2697 E. 55th Way out of his name. Although there appears some discrepancy in the chronology, the crux of this case is whether Mr. Mitchell called SCE on December 4 and requested that the service at 2697 E. 55th Way be billed to him at the Normandie Ave. address. Mr. Mitchell said he never made that call; SCE's records show that a call was made by someone purporting to be Mr. Mitchell requesting the billing. In our opinion, the preponderance of the

evidence persuades us that Mr. Mitchell did not make the call and he should be given a credit of \$152.21.¹

Mr. Mitchell also seeks refund of his \$85 deposit for service with SCE at his current address, 14800 Lemoli No. 26, Gardena. SCE testified this deposit was established February 10, 2004 because Mr. Mitchell paid bills late at his Normandie address. The deposit is to be refunded in February of 2005, if Mr. Mitchell keeps current on his bills. This is proper procedure for SCE.

Assignment of Proceeding

Carl W. Wood is the Assigned Commissioner and Robert Barnett is the assigned Administrative Law Judge in this proceeding.

IT IS ORDERED that:

1. Southern California Edison Company shall credit Cornell Mitchell with \$152.21
2. This proceeding is closed.

This order is effective today.

Dated January 13, 2005, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners

¹ Accepting SCE's view, Mr. Mitchell agreed to pay the Long Beach bill on December 4, 2001 and cancelled December 6, 2001; liability, if any, would be for only a fraction of the December 17 bill.